FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Zoning Variance from numerous sections of the Baltimore County Zoning Regulations (B.C.Z.R.) and the Comprehensive Manual of Development Policy (C.M.D.P.) as they relate to lots 34 thru 38, (Oella Parcel A, Herring Hill) 40 thru 45 (Oella Parcel B, Long Brick Row) and lots 49 thru 67 (Oella Parcel C-1, Short Brick Row). As noted above, numerous variances are requested for numerous individual lots within this community, known as the Historic Oella District. Although all of the specific variances are fully set forth on Schedule A which is attached to the Petition for Zoning Variance, they may be characterized as requests for relief from specific standards within the regulations as they relate to setback distances, private space requirements, and parking regulations.

The above matter was set in for a public hearing and appearing at that hearing was Brenda Bodie from the Historic Oella Limited Partnership and Frederick Schuler from Whitman, Requardt and Associates, the engineering firm which prepared Petitioner's Exhibit No. 1, the site plan to accompany the Petition for Zoning Variance. The Petitioner was represented by Stuart D. Kaplow, Esquire. There were no Protestants present.

As indicated above, the subject properties are located in the historic Oella area, near the Patapsco River and Baltimore County/Howard County

Billimen Compter a group of

June 9, 1992

(110) 887 4386

configuration of the following

with a planting of the same

(,. • • •

Suite 113 Courthouse

Towson, MD 21204

400 Washington Avenue

Stuart D. Kaplow, Esquire

Baltimore, Maryland 21202

with the attached Order.

300 E. Lombard Street

Dear Mr. Kaplow:

LES:mmn

Frank, Bernstein, Conaway and Goldman

contact our Appeals Clerk at 887-3391.

Petition for Zoning Variance

Historic Oella Limited Partnership, Petitioner

date of the Order to the County Board of Appeals. If you require

Enclosed please find the decision rendered in the above captioned

be advised that any party may file an appeal within thirty (30) days of the

In the event the decision rendered is unfavorable to any party, please

Very truly yours,

Lawrence E. Schmidt

Zoning Commissioner

cases. The Petition for Zoning Variance has been granted, in accordance

additional information concerning filing an appeal, please feel free to

RE: Case No. 92-411-A

questing relief from the strict setback distance and parking standards within the Baltimore County Zoning Regulations. In the three prior cases, (case Nos. 88-165, 89-156 and 91-408) the relief was granted. There is no reason for a different result here.

boundary. This is the third case which has come before this office re-

Evidence presented at the hearing was that the subject properties are located along a tract of land lying along Oella Avenue within the Oella Historic District. The proposed relief is in keeping with the comprehensive plan for the redevelopment of this historic community.

Further, testimony and evidence offered was that the requested variances were required due to the modern setback requirements on the historic village and the topography of the land and environmental constraints, which involve steep slopes and the floodplain caused by the Patapsco River. Further testimony was that the village is being comprehensively refurbished and restored so that its historic character will be maintained. The properties are listed on the national historic register and date from the nineteenth century.

Further testimony presented was that the granting of the requested variances will have no adverse impact on the adjacent properties. There will be no detriment to the health, safety and/or general welfare of the neighborhood if these variances are granted. In fact, it seems clear that maintenance of this historic community in this fashion serves the public interest. In fact, evidence presented was that many of the 34 lots subject to the hearing are presently occupied or undergoing minor interior renovation. The community will promote homeownership and affordable hous-

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variances would adversely affect the health, safety and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Peti-

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore 1B01.2.C.1, 1B01.2.C.2.a, 1B01.2.C.3., 301.1, 409.4.C and 409.6 of the B.C.Z.R. and Sections V.B.3.b, V.B.5.b, V.B.6.a, V.B.6.b, V.B.7 and V.B.9 of the C.M.D.P. for lots 34 thru 38, (Oella Parcel A, Herring Hill) 40 thru 45 (Oella Parcel B, Long Brick Row) and lots 49 thru 67 (Oella Parcel C-1, Short Brick Row), as more fully set forth in Schedule A which is attached hereto and made a part hereof, be and is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted herein:

> The Petitioner may apply for its building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible

> > -3-

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1801, 2. C. 1, 1801. 2. C. 2. a, 1801. 2. C. 3, 301. 1, 409. 4. C and 409. 6 all from the Baltimore County Zoning Regulations and Sections V.B.3.b, V.B.5.b, V.B.6.a., V.B.6.b, V.B.7 and V.B.9 all from the C.M.D.P. to permit the following variances on Lots 34 thru 38 (Oella Parcel A, Herring Hill),40 thru 45, (Uella Parcel B, Long Brick Row) and 49 thru 67 (Oella Parcel C-1, Short Brick Row)* of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty) Subdivision of existing historic residences create conditions of practical difficulty or unreasonable hardship in complying with referenced zoning standards.

*As indicated on the following Schedule 'A' and site plan. (See attached)

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

ontract Purchaser:	Legal Owner(s): Historic Cella Limited Partnership
(Type or Print Name)	c/o Struever Bros. Eccles & Rouse, Inc. (Type or Print Name)
Signature	Signature Carl William Struever, Pres.
Address	(Type or Print Name)
City and State	Signature
Attorney for Petitioner:	Historic Oella Limited Partnership c/o Struever Bros. Eccles & Rouse, Inc.
Piper and Marbury (Type of Rrint Name)	519 N. Charles St. 332-1352 Phone No.
Signature J. P. Machen, Esq.	Baltimore, Maryland 21201 City and State
36 S. Charles St., 13th Floor Address	Name, address and phone number of legal owner, con- tract purchaser or representative to be contacted
Raltimore, Maryland 21201	Whitman, Requardt and Associates Name 2315 St. Paul Street
Attorney's Telephone No.: 576-1768	Baltimore, MD 21218 235-3450 Address Phone No.
	Data and County this

Filed 4/9/92 By JAV any Time on Day. 4 HRS+

Zoning Commissioner of Baltimore County.

A24

To permit a window to property line setback of 9' in lieu of 15'. To permit an private space factor of O square feet in

2. Lot 35: lieu of 500 square feet. To permit an private space factor of O square feet in

3. Lot 36: lieu of 500 square feet. To permit an private space factor of O square feet in 4. Lot 37: lieu of 500 square feet.

To permit an private space factor of 0 square feet in 5. Lot 38: lieu of 500 square feet.

SCHEDULE 'A'

1. Lot 34:

To permit a minimum building separation of 17' in lieu of 30'. To permit a building to street centerline setback of 34' in lieu of 50'. To permit an open porch to street centerline setback of 28' in lieu of 37.5'. To permit an open porch to street right of way, property line setback of 13' in lieu of 18.75' To permit a window to street right of way, property line setback of 19' in lieu of 25'.

To permit a building to street right of way, property line setback of 18' in lieu of 25'. To permit a building to street centerline setback of 34' in lieu of 50'. To permit an open porch to street centerline setback of 28' in lieu of 37.5'. To permit an open porch to street right of way, property line setback of 16' in lieu of 18.75'

To permit a window to street right of way, property line setback of 22' in lieu of 25'. To permit a building to street right of way, property line setback of 22' in lieu of 25'. To permit an private space factor of O square feet in lieu of 500 square feet.

8. Lot 42: To permit a building to street centerline setback of 34' in lieu of 50'. To permit an open porch to street centerline setback of 28' in lieu of 37.5'. To permit an open porch to street right of way, property line setback of 16' in lieu of 18.75' To permit a window to street right of way, property line setback of 22' in lieu of 25'.

To permit a building to street right of way, property

To permit an private space factor of 0 square feet in lieu of 500 square feet. To permit a building to street centerline setback

line setback of 22 in lieu of 25'.

of 34' in lieu of 50'.

for returning, said property to its original

Zoning Commissioner for Baltimore County

LES/mmn

11. Lot 45:

To permit an open porch to street centerline setback of 28' in lieu of 37.5'.

To permit an open porch to street right of way, property line setback of 16' in lieu of 18.75' To permit a window to street right of way, property line setback of 22' in lieu of 25'. To permit a building to street right of way, property line setback of 22' in lieu of 25'. To permit an private space factor of O square feet in

lieu of 500 square feet. 10. Lot 44: To permit a building to street centerline setback of 34' in lieu of 50'.

To permit an open porch to street centerline setback of 28' in lieu of 37.5'. To permit an open porch to street right of way, property line setback of 16' in lieu of 18.75' To permit a window to street right of way, property line setback of 22' in lieu of 25'.

To permit a building to street right of way, property line setback of 22' in lieu of 25'. To permit an private space factor of 0 square feet in lieu of 500 square feet.

To permit a building to street centerline setback of 34' in lieu of 50'. To permit an open porch to street centerline setback of 28' in lieu of 37.5'. To permit an open porch to street right of way, property line setback of 16' in lieu of 18.75'

To permit a window to street right of way, property line setback of 22' in lieu of 25'. To permit a building to street right of way, property line setback of 22' in lieu of 25'. To permit an private space factor of O square feet in lieu of 500 square feet.

To permit a minimum building separation of 11' in 12. Lot 49: lieu of 25'.

To permit a minimum open porch separation of 6' in lieu of 18.75'. To permit a building to street centerline setback of 21' in lieu of 50'. To permit a window to street right of way, property line setback of 4' in lieu of 25'. To permit a building to street right of way, property

line setback of 3' in lieu of 25'. 13. Lot 50: To permit a building to street centerline setback

of 22' in lieu of 50'. To permit a window to street right of way, property line setback of 5' in lieu of 25'. To permit a building to street right of way, property

line setback of 5' in lieu of 25'. To permit an private space factor of 480 square feet in lieu of 500 square feet.

-2-

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

Contract Purchaser:	Historic Cella Limited Partnership c/o Struever Bros. Eccles & Rouse, Inc.
(Type or Print Name)	(Type or Print Name)
Signature	Signature Carl William Struever, Pres.
Address	(Type or Print Name)
City and State	Signature
Attorney for Petitioner:	Historic Oella Limited Partnership c/o Struever Bros. Eccles & Rouse, In
Piper and Marbury (Type of Rrint Name)	519 N. Charles St. 332-1352 Phone No.
Signature J. P. Machen, Esq.	Baltimore, Maryland 21201 City and State
36 S. Charles St., 13th Floor Address	Name, address and phone number of legal owner, co tract purchaser or representative to be contacted
2.1.1.1.2.1.01001	Whitman, Requardt and Associates
Raltimore, Maryland 21201 City and State	Name 2315 St. Paul Street
Attorney's Telephone No.: 576-1768	Baltimore, MD 21218 235-3450 Address Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this _____ day of ______, 19_____, that the subject matter of this petition be advertised, as required by the Zoming Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore

County, on the _____ day of _____ o'clock

To permit a building to street centerline setback 14. Lot 51: of 20' in lieu of 50'. To permit a window to street right of way, property line setback of 5° in lieu of 25°. To permit a building to street right of way, property line setback of 5' in lieu of 25'. To permit an private space factor of 405 square feet in lieu of 500 square feet. To permit a building to street centerline setback 15. Lot 52: of 20' in lieu of 50'. To permit a window to street right of way, property line setback of 6' in lieu of 25'. To permit a building to street right of way, property line setback of 6' in lieu of 25'. To permit an private space factor of 390 square feet in lieu of 500 square feet. To permit a building to street centerline setback 16. Lat 53: of 20' in lieu of 50'. To permit a window to street right of way, property line setback of 5' in lieu of 25'. To permit a building to street right of way, property line setback of 5° in lieu of 25°. To permit an private space factor of 380 square feet in lieu of 500 square feet. To permit a building to street centerline setback 17. Lot **54:** of 20' in lieu of 50'. To permit a window to street right of way, property line setback of 5' in lieu of 25'. To permit a building to street right of way, property line setback of 5' in lieu of 25'. To permit an private space factor of 380 square feet

in lieu of 500 square feet. To permit a building to street centerline setback 18. Lot 55: of 21' in lieu of 50'. To permit a window to street right of way, property line setback of 4' in lieu of 25'. To permit a building to street right of way, property line setback of 4° in lieu of 25°. To permit an private space factor of 380 square feet in lieu of 500 square feet. 19. Lot 56: To permit a building to street centerline setback of 21' in lieu of 50'. To permit a window to street right of way, property line setback of 3' in lieu of 25'. To permit a building to street right of way, property line setback of 3' in lieu of 25'. To permit an private space factor of 360 square feet in lieu of 500 square feet. 20. Lot 57: To permit a building to street centerline setback -3-

of 21' in lieu of 50'. To permit a window to street right of way, property line setback of 3' in lieu of 25'. To permit a building to street right of way, property line setback of 3' in lieu of 25'. To permit an private space factor of 360 square feet in lieu of 500 square feet. To permit a building to street centerline setback 21. Lot 58: of 21' in lieu of 50'. To permit a window to street right of way, property line setback of 4' in lieu of 25'. To permit a building to street right of way, property line setback of 4 in lieu of 25'. To permit an private space factor of 360 square feet in lieu of 500 square feet. 22. Lot 59: To permit a building to street centerline setback of 21' in lieu of 50'. To permit a window to street right of way, property line setback of 5' in lieu of 25'. To permit a building to street right of way, property line setback of 5' in lieu of 25'. To permit an private space factor of 335 square feet in lieu of 500 square feet. To permit a building to street centerline setback 23. Lot 60: of 23' in lieu of 50'. To permit a window to street right of way, property line setback of 8' in lieu of 25'. To permit a building to street right of way, property line setback of 7' in lieu of 25'. To permit an private space factor of 435 square feet in lieu of 500 square feet. To permit a building to street centerline setback 24. Lot 61: of 23' in lieu of 50'. To permit a window to street right of way, property line setback of 8' in lieu of 25'. To permit a building to street right of way, property line setback of 8' in lieu of 25'. To permit a window to property line setback of 3 in lieu of 15'. To permit an private space factor of O square feet in lieu of 500 square feet. To permit a building to street centerline setback 25. Lot 62: of 22' in lieu of 50'. To permit a window to street right of way, property line setback of 6' in lieu of 25'. To permit a building to street right of way, property line setback of 6' in lieu of 25'. To permit a window to property line setback of O in lieu of 15'. To permit an private space factor of 365 square feet in lies of 500 square feet.

> WHITMAN, REQUARDT and ASSOCIATES ZONING DESCRIPTION

-4-

780, 778, 776, 774, 772, 770, 768, 766, 764, 762, 760, 758, 756, 754, 752, 750, 748, 746 & 744 Oella Avenue

BEGINNING on the west side of Oella Avenue, variable width, at a distance of 447 feet north of the centerline of Glen Avenue as measured along the west side of Oella Avenue and running for lines of division the ten following courses and distances, (1) South 58°44'14" West, 9.68 feet; (2) North 88°48'44" West, 24.91 feet; (3) Northwesterly along a curve to the right having a radius of 22.00 feet, for a distance of 32.93 feet, being subtended by a chord bearing and distance of North 45°55'52" West, 29.94 feet; (4) North 03°02'57" West, 88.41 feet; (5) North 86° 57'03" East, 4.97 feet; (6) North 22° 53'37" East, 174.29 feet; (7) North 08°01'54" East, 48.80 feet; (8) South 57°28'39" East, 19.11 feet; (9) South 72°05'10" East, 29.88 feet; (10) South 65°27'52" East, 18.01 feet to intersect the said west side of Oella Avenue, thence running and binding along said west side of Oella Avenue the five following courses and distances, (11) South 20°38'15" West, 16.20 feet; (12) Southwesterly along a curve to the right having a radius of 705.00 feet, for a distance of 72.94 feet, being subtended by a chord bearing and distance of South 23°36'05" West, 72.90 feet; (13) South 26° 33'54" West, 38.14 feet; (14) Southwesterly along a curve to the left having a radius of 255.00 feet, for a distance of 108.90 feet, being subtended by a chord bearing and distance of South 14°19'49" West, 108.08 feet; (15) South 02°05'43" West, 66.05 feet to the point of BEGINNING. Containing 0.4077 acres of land, more or less. Also known as 780, 778, 776, 774, 772, 770, 768, 766, 764, 762, 760, 758, 756, 754, 752, 750, 748, 746 and 744 Oella Avenue in the 1st Election District.

of 22' in lieu of 50'. To permit a window to street right of way, property line setback of 5' in lieu of 25'. To permit a building to street right of way, property line setback of 5' in lieu of 25'. To permit an private space factor of O square feet in lieu of 500 square feet. 27. Lot 64: To permit a building to street centerline setback of 21' in lieu of 50'. To permit a window to street right of way, property line setback of 5' in lieu of 25'. To permit a building to street right of way, property line setback of 5' in lieu of 25'. To permit an private space factor of O square feet in lieu of 500 square feet. 28. Lot 65: To permit a building to street centerline setback of 21' in lieu of 50'. To permit a window to street right of way, property line setback of 4' in lieu of 25'. To permit a building to street right of way, property line setback of 4' in lieu of 25'. To permit an private space factor of O square feet in lieu of 500 square feet. 29. Lat 66: To permit a building to street centerline setback of 20' in lieu of 50'. To permit a window to street right of way, property line setback of 4' in lieu of 25'. To permit a building to street right of way, property line setback of 4' in lieu of 25'. To permit an private space factor of O square feet in lieu of 500 square feet. 30. Lot 67: To permit a building to street centerline setback of 20' in lieu of 50'. To permit a window to street right of way, property line setback of 3' in lieu of 25'. To permit a building to street right of way, property line setback of 3' in lieu of 25'. To permit an private space factor of 445 square feet in lieu of 500 square feet. To permit a building to tract boundary setback of 6' in lieu of 30'. To permit a window to tract boundary setback of 10' in lieu of 35'. 31. Lots 49 To permit a two-way aisle width for the perpendicular thru 67: parking to be 16' in lieu of 22'. To permit 29 parking spaces, or 1.5 parking spaces per unit in lieu of 38, or 2 parking spaces per unit. 32. Lots 40 To permit a two-way aisle width for the perpendicular thru 45: parking to be 20' in lieu of 22'.

-5-

CERTIFICATE OF POSTING

next to 780 Oella Ave

EB + W/s Delle Are 447' Not Glen

4 istoric vella Ctd. Port.

VARTANCE

To permit a building to street centerline setback

. . .

26. Lot 63:

ZONING DESCRIPTION 730, 732, 734, 736, 738 & 740 Pleasant Hill Road BEGINNING on the east side of Oella Avenue 40 feet wide at a distance of 900 feet north of the centerline of Glen Avenue as measured along the east side of Oella Avenue and binding along said east side the two following courses and distances, (1) Northwesterly along a curve to the left having a radius of 245.00 feet, for a distance of 10.29 feet, being subtended by a chord bearing and distance of North 01°12'38" West, 10.29 feet; (2) Northeasterly along a curve to the right having a radius of 100.00 feet, for a distance of 155.31 feet, being subtended by a chord bearing and distance of North 42° 04'47" East, 140.17 feet. thence leaving said east side of Oella Avenue and running for lines of division the six following courses and distances, (3) South 64° 09'04" East, 29.04 feet: (4) South 25° 50′56" West, 7.59 feet; (5) South 40° 10′47" West, 19.92 feet; (6) South 48° 31'00" East, 39.37 feet; (7) South 24° 04'39" West, 147.20 feet; (8) North 42° 07'28" West, 109.03 feet to the point of BEGINNING. Containing 0.3612 acres of land, more or less. Also known as 730, 732, 734, 736, 738 and 740 Pleasant Hill Road in the 1st Election District.

WHITMAN, REQUARDT and ASSOCIATES

April 7, 1992

92-411-A

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hecks Payable To: Battimore Co

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5. 57.92

TRUBLIC HEARTHG FEES

CERTIFICATE OF PUBLICATION THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of ____ successive weeks, the first publication appearing on 5/14, 19 THE JEFFERSONIAN.

\$47.22

92-411-17

CAST NAME OF OWNER: HIST CELLA LIG FR 04A04#0175hICHRC BA C012:48PM06-09-92 Please Make Checks Payable To: Baltimore County

M9.6665794

April 7, 1992 92-411-A

ZONING DESCRIPTION 759, 757, 755, 753, 751 & 749 Oella Avenue

WHITMAN, REQUARDT and ASSOCIATES

BEGINNING on the east side of Oella Avenue, variable width, at a distance of 608 feet north of the centerline of Glen Avenue as measured along the east side of Oella Avenue and binding along said east side the three following courses and distances, (1) North 24°33'25" East, 76.13 feet; (2) North 48°35'39" East, 8.84 feet; (3) Northeasterly along a curve to the left having a radius of 735.00 feet, for a distance of 11.78 feet, being subtended by a chord bearing and distance of North 23°30'20" East, 11.78 feet, thence leaving said east side of Oella Avenue and running for lines of division the four following courses and distances, (4) South 71°39'06" East, 76.89 feet; (5) South 25°17'12" West, 104.66 feet; (6) North 62°59'14" West, 3.67 feet; (7) North 65°17'21" West, 74.82 feet to the point of BEGINNING. Containing 0.1805 acres of land, more or less. Also known as 759, 757, 755, 753, 751 and 749 Oella Avenue in the 1st Election District.



111 West Chesapeake Avenue Towson, MD 21204

DATE: 5.27.92

Baltimore, Maryland 21201

(410) 887-3353

historic Oella Limited Partnership c/o Struever Bros. Eccles & Rouse, Inc. 519 N. Charles Street

CASE NUMBER: 92-411-A E & W Side Oclla Avenue, 447' N of Glen Avenue 3 distances to 3 sections with mutiple lots - 447' is closest point lst Election District - 1st Councilmanic Patitioner(s): Historic Oella Limited Partnership

Dear Petitioner(s):

Please be advised that \$ 82.22 is due for advertising and posting of the above captioned

THIS FEE MUST BE PAID. ALSO, THE ZONING SIGN & POST SET(S) MUST BE RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHELL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL. THE DAY OF THE

Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland 21204. It should have your case number noted thereon and be made payable to Baltimore County, Maryland. In order to prevent delay of the issuance of proper credit and/or your Order, immediate attention to this matter is suggested.

ARNOLD JABLON DIRECTOR

J. P. Machen, Esq.

BALTIMORE COUNTY, MARYLAND OFFICE OF PLANNING AND ZONING New Courts Bldg - 401 Bosley Avenue, Towson, MD 21204

Arnold Jablon, Director Zoning Administration & Development Management

Office of Planning and Zoning

SUBJECT: Oella

INFORMATION:

Petitioner:

Item Number:

Historic Oella Limited Partnership c/o Struever Bros.

The petitioner is requesting variances to allow smaller setbacks which will enable the Historic Oella Limited Partnership to continue restoration and preservation of existing mill houses.

The Office of Planning and Zoning supports this effort to preserve these historic homes and we recommend that the request be APPROVED.

424.ZAC/ZAC1

Office of Zoning Administration and Development Management Office of Planning & Zoning

(410) 887-3353

Baltimore County Government

111 West Chesapeake Avenue Towson, MD 21204

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 118, Baltimore County Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 92-411-A E & W Side Oella Avenue, 447' N of Glen Avenue 3 distances to 3 sections with mutiple lots - 447 is closest point lst Election District - 1st Councilmanic Petitioner(s): Historic Oella Limited Partnership HEARING: TUESDAY, JUNE 2, 1992 at 10:00 a.m.

Variance for Lots #34 through #38 (Oella Parcel A, Herming Hill), Lots #40 through #45 (Oella Parcel B, Long Brick Row) and Lots #49 through 67 (Oella Parcel C-1, Short Brick Row) as indicated in the file.

Zoning Commissioner of Baltimore County

cc: Historic Oella Limited Partnership Whitman, Requardt and Associates J. P. Machen, Esq.

NOTE: HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

Baltimore County Government Fire Department

700 East Joppa Road Suite 901 Towson, MD 21204-5500

APRIL 21, 1992

Arnold Jablon Director Zoning Administration and Development Management Baltimore County Office Building Towson, MD 21204

RE: Property Owner: HISTORIC OELLA LIMITED PARTNERSHIP

E&W/S OELLA AVENUE

Gentlemen:

JP/KEK

Pursuant to your request, the referenced property has been surveyed by

this Bureau and the comments below are applicable and required to be

corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

Noted and Fire Prevention Bureau Special Inspection Division

111 West Chesapeake Avenue

May 27, 1992

J.P. Machen, Esquire Piper and Marbury 36 S. Charles Street, 13th Floor Baltimore, MD 21201

> RE: Item No. 424, Case No. 92-411-A Petitioner: Historic Oella Lmtd, et al Petition for Zoning Variance

Dear Mr. Machen:

Towson, MD 21204

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

Baltimore County Government
Office of Zoning Administration and Development Management Office of Planning & Zoning

887-3353

111 West Chesapeake Avenue Towson, MD 21204

Baltimore County Government Office of Zoning Administration and Development Management Office of Planning & Zoning

887-3353

Your petition has been received and accepted for filing this 9th day of April, 1992.

Received By:

Zoning Plans Advisory Committee

Petitioner: Historic Oella Limited Partnership, et al Petitioner's Attorney: J.P. Machen

6064-92 THE THE THE TRANSPORT STELLETING FREEDS Eccles & Rouse, Inc. 519 North Charles Street Estimore, Meryland 21201 301-332-1352 FAX 301-876-9021 NO. OF PAGES (including cover): MESSAGE Company to the Company of the Compan A REPORT OF THE PROPERTY OF TH The state of the control of the cont rent and get the approximation and approximati

fts/sberiii Challenging Renovation Our Specially

8 Kelbark Court DED DEPRM RP STP TE

1500 Glencoe Road - Oldfields School, Inc. CR-92-399-XA

(301) 887-4500 Zoning Agenda: APRIL 20, 1992

4863-92 W

Waiver Number File Number

Oella CRG

COUNT 8

VIII-609 (92126Z)

2212 Maple Road

8100 Stevenson Road (Chizuk Amuno Congregation)

DEPRM RP (AT EIRD)

3838 North Point Boulevard

. 14311 Old Hanover Road

1243 Lanover Road

1313-1315 York Road

DED DEPRM RP STP TE

DED DEPRM RP STP TE

DED DEPRM RP STP TE

Development Review Committee Response Form

Department of Recreation and Parks

7446 Berkshire Road

Della Parcel A, Lots 34-38; Parcel B, Lots 40-45; Parcel C-1, Lots 49-67

No Comments

9928 York Road (Taco Bell)

Magsamen Property (W/S Notchcliff Road)

No Comments

Meeting Date

4-20-92

No Comments

o Connents

1 - Comments

to comment

ZONING OFFICE

10,7 22 19:05 STRUEVEP PROS Historie Cella Limit Partnership c/o Struever Bros. Eccles & Rouse, Inc. 519 North Charles Street Baltimore, MD 21201

May 21, 1992

Ms. Stevens Baltimore County Government Office of Zoning Administration and Development Management Office of Planning & Zoning 111 West Chesapeake Avenue Towson, MD 21204

VIA PACSIMILE

ae Numbe - . . - A

ederstanding that the County is to post a notice of coning he ind prior to the hearing. We looked for the sign in Historic Oella early this week, and when we did not find it, I you (on 5/19/97). When I finally reached you on May 20, you ed me that the person who installs the signs was ill and that the sign would be installed on May 21. I noted that this was later than normally permitted and asked if this would be ussoner under the coromstances. You said it would be. I just wa sed to confirm by understanding in writing. Please let me know if I am not correct.

Thank you for your assistance

Sincerely,

Brenda Bodian

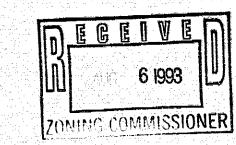
General Manager

Maryland Department of Transportation State Highway Administration

7 TK Secretary

August 4, 1993

Mr. Timothy M. Kotrocco, Deputy Commissioner Baltimore County Zoning Administration Development Management 111 Chesapeake Avenue



6800-93

O. James Lighthizer

Hal Kassoff

Administrator

Dear Mr. Kotrocco:

Towson MD 21204

This letter is to inform you that I was asked to investigate and inspect the area concerning the "New Brittany" sign (Case No. 92-411-A, Item No. 416) for the Brittany apartments complex at 4 Deauville Court, Pikesville, Maryland 21208.

I inspected the area on July 22, 1993 and found that the sign in question is on the property that is being advertised. Therefore, it is classified as an on-premise sign and this office has no objection to the present location.

Sincerely,

I may be contacted at (410)321-3403 if there be any questions.

Jessie L. Parker Outdoor Advertising Inspector District 4

JLP/mlm

CC: Mr. Marta Poehler, Vice President Apartment Services 9640 Deereco Road Timonium MD 21093 Bary W. Bowman, OA Section



My telephone number is _(410)321-3403 FAX (410)321-3004 Teletypewriter for Impaired Hearing or Speech 383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free 707 North Calvert St., Baltimore, Maryland 21203-0717

seriously detrimental effect on the ability of the Brittany to attract new tenants and/or maintain its current average occupancy rate. One of the features which makes this apartment community a desirable place to live, namely its seclusion, unfortunately results in difficulty in attracting tenants.

The law is well settled that a variance may be granted where strict compliance with the BCZR would result in practical difficulty or unreasonable hardship. Anderson v. Board of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974); McLean v. Soley, 270 Md. 208 (1973). After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the requested variance was not granted. It has been established that the requirement from which the Petitioner seeks relief unduly restricts the use of this property due to the special conditions unique to this particular parcel, namely its seclusion. Furthermore, the variance requested will not be detrimental to the public health, safety, and general welfare, and if the variance is granted, same would not be contrary to

the spirit of the BCZR and would not result in substantial detriment to the public good.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County, this 23" __, 1993, that the Petition for Variance to permit two (2) apartment entrance single-faced signs, each with a total square footage of 8.42 square feet, and a third sign of 120 square feet (24 square feet of which is directional) instead of one sign of 15 square feet as permitted, be and is hereby granted, from and after the date of this Order.

> Timothy M. Kotrocco, Deputy Zoning Commissioner

IN THE MATTER OF BRITTANY APARTMENTS NS GREENWOOD AND OLD COURT RD * 3RD ELECTION DISTRICT 2ND COUNCILMANIC

PARTNERSHIP

BEFORE THE DEPUTY ZONING COMMISSIONER FOR BALTIMORE COUNTY CASE NO.: 92-411-A

PETITIONER: BRITTANY

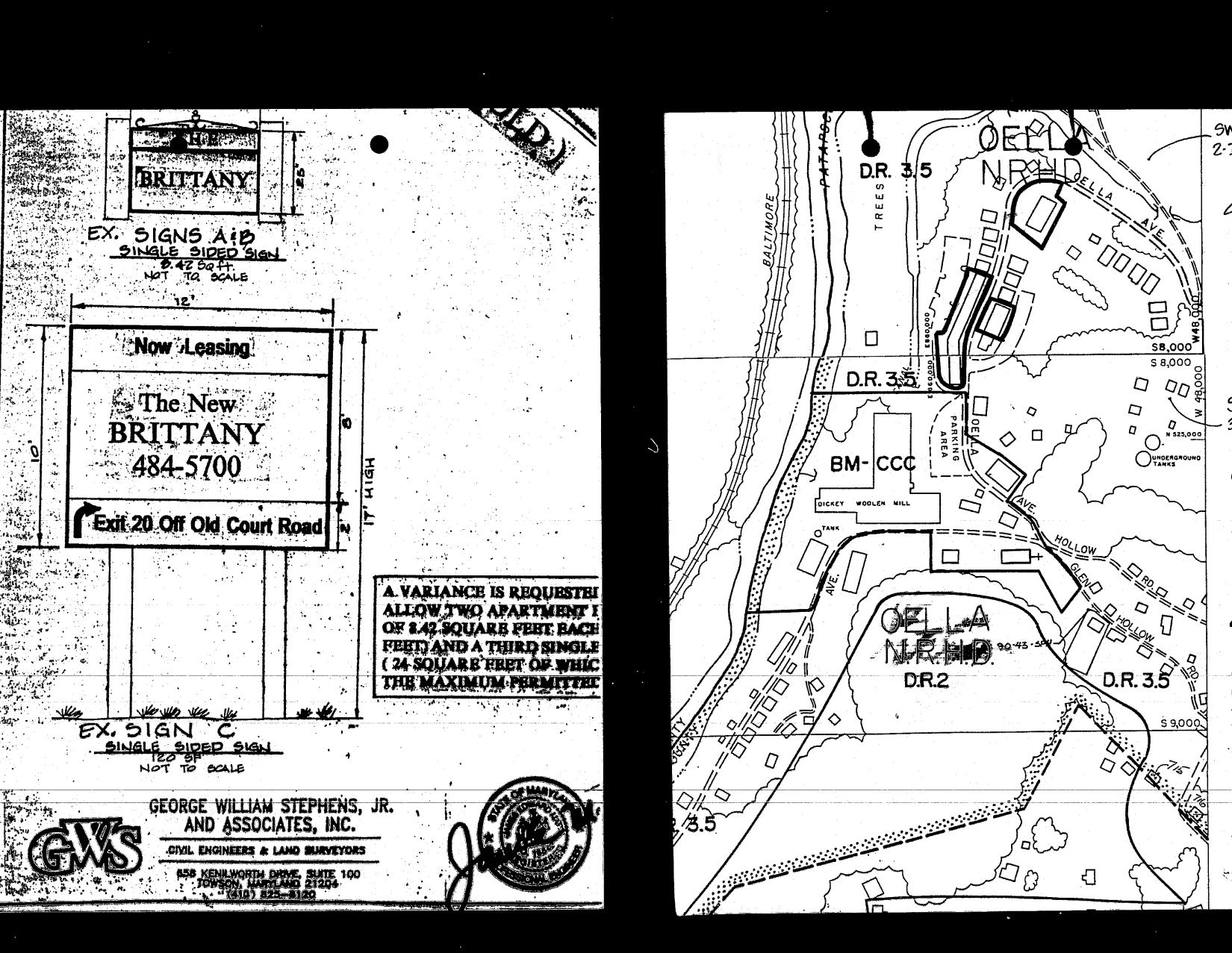
ITEM NO. 416

FINDINGS OF FACT AND CONCLUSION OF LAW

The Petitioner herein requests a variance from Section 413.1D to allow two (2) apartment entrance single-faced signs, each with a total square footage of 8.42 square feet, and a third sign of 120 square feet (24 square feet of which is directional) in lieu of the one (1) sign of 15 square feet as permitted for apartments under the BCZR.

The Petitioner appeared and was represented by Anthony J. DiPaula, Esquire, Covahey & Boozer, P.A. Specifically appearing on behalf of the Petition were Martha Poehler, Executive Vice President of Apartment Services, Inc. as the agent for Brittany Partnership, the owner of the property; Sharon Galeano, the Apartment Manager in charge of this among other sites; and James E. Matis, Civil Engineer with the firm of George William Stephens, Jr. and Associates, Inc. There were no protestants.

Testimony and evidence would indicate that the larger of the three (3) signs which is located on-site and overlooks Interstate 695 has been in existence and in its present location for just over twenty (20) years. It was erected by the predecessors of the current owners, having been erected by the former management company, Charles Steffey & Associates. This particular site is located in a secluded area which does not front any major roadway and is essentially hidden from the general public. The Petitioner's site plan was received as Exhibit No. 1. Also submitted were three (3) photographs of the signs in question, received in evidence as Exhibits 2A, 2B, and 2C. There was also testimony and evidence produced to establish that during February through May of this year, not less'than thirty-four percent (34%) of the total tenant traffic was directly attributable to the large sign. The term "tenant traffic" is intended to mean all persons inquiring about establishing residence at the Brittany, as well as those who inquire and actually become residents at the Brittany. A documentary tabulation of tenant traffic was submitted at the hearing as Petitioner's Exhibit No. 3. Testimony also established that it is only with the use of the large sign that the Brittany can remain competitive with other apartment complexes that front major travelled roadways such as Old Court Road, and maintain an occupancy rate of approximately 7.5 percent. Having to remove the sign would undoubtedly have a



There was also testimony that the existing sign assists the current residents of the Brittany with respect to providing directions for their family and guests who come to visit.

